

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DORAL BANK PUERTO RICO, on Behalf of  
Itself and All Others Similarly Situated,

Plaintiff,

v.

WASHINGTON MUTUAL ASSET  
ACCEPTANCE CORPORATION; DAVID  
BECK; DIANE NOVAK; THOMAS  
LEHMANN; STEPHEN FORTUNATO;  
DONALD WILHELM WAMU CAPITAL  
CORPORATION; MOODY'S INVESTORS  
SERVICES, INC.; THE MCGRAW-HILL  
COPMANIES, INC.; FIRST AMERICAN  
CORPORATION and FIRST AMERICAN  
EAPPRAISEIT, LLC,

Defendants.

**Case No.: C09-1557 (MJP)**

**SET FOR HEARING:  
March 18, 2010, 10:00 a.m.**

**DECLARATION OF ENRIQUE R. UBARRI-BARAGANO IN FURTHER SUPPORT OF  
DORAL BANK PUERTO RICO'S MOTION FOR APPOINTMENT OF LEAD  
PLAINTIFF AND APPROVAL OF SELECTION OF LEAD COUNSEL AND IN  
OPPOSITION TO THE COMPETING MOTION SUBMITTED BY THE GREATER  
PENNSYLVANIA CARPENTERS PENSION FUND**

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2  
3 I, Enrique R. Ubarri-Baragano, swear as follows:

4 1. I am the Executive Vice President, Secretary and General Counsel of Doral  
5 Financial Corporation ("Doral Corp.") and General Counsel, Secretary and Director of Doral  
6 Bank Puerto Rico ("Doral Bank"). I make this declaration in further support of the motion of  
7 Doral Bank for Appointment as Lead Plaintiff and Approval of its Selection of Lead Counsel and  
8 in opposition to the competing motion submitted by the Greater Pennsylvania Carpenters  
9 Pension Fund. I have personal knowledge of the matters stated herein unless otherwise  
10 indicated, and if called upon, I could and would competently testify thereto.  
11

12 2. Doral Bank is a wholly-owned subsidiary of Doral Corp.

13 3. As set forth in my Certification, previously filed with this Court on February 22,  
14 2010, annexed as Exhibit B to the Declaration of Christopher Lometti in Support of Doral  
15 Bank's Motion ("Lometti Decl."), in 2007 Doral Bank purchased over \$400 million of  
16 Washington Mutual Mortgage Pass-Through Certificates (the "Certificates") which are the  
17 subject of the within action and the action captioned *Boilermakers National Annuity Trust Fund*  
18 *v. WaMu Mortgage Pass-Through Certificates, Series 2006-AR1*, C09-0037-MJP (the  
19 "*Boilermakers Action*").  
20

21 4. In October 2009, after Doral Bank had experienced a substantial decline in the  
22 value of its investments in the Certificates, and after learning about the already pending  
23 *Boilermakers Action*, the Bank sought out counsel to represent it in an action to recoup these  
24 investment losses, eventually retaining Cohen Milstein Sellers & Toll PLLC.  
25  
26  
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28

1           5.       Doral Bank is well aware of the duties and responsibilities of a lead plaintiff and  
2 is strongly motivated to pursue this action in that capacity on behalf of itself and other class  
3 members.

4           6.       Doral Bank understands that a competing movant has filed a motion for lead  
5 plaintiff in this action and has questioned the Bank's ability to adequately represent the interests  
6 of the class because of the following:

- 7           •       Doral Corp. was a defendant in a securities class action lawsuit alleging violations  
8 of internal accounting rules and valuations during the period of 2000 to 2005;
- 9           •       A former Doral Corp.-executive who resigned over four and a half years ago was  
10 indicted for his role in the aforementioned alleged fraud; and,
- 11          •       Doral Corp. hired a former Countrywide executive in 2006 to serve as the  
12 company's Treasurer, who, until 2003, had been employed at Washington Mutual,  
13 Inc.

14          7.       None of the individuals who were named as Defendants in the securities class  
15 action lawsuit captioned *In re Doral Financial Corp. Sec. Litig.*, Civ. No. 1:05-md-1706 (RO)  
16 (S.D.N.Y.), who were among the members of the Management and Board of Directors of Doral  
17 Corp. in 2005, and who were allegedly responsible for the conduct alleged therein, are currently  
18 employed by Doral Corp. in any capacity.

19          8.       The allegations against Doral Corp. asserted by plaintiffs in the lawsuit referenced  
20 above were in no way associated with or related to the facts and circumstances surrounding the  
21 instant matter. In the former, it was alleged that Doral Corp. engaged in improper accounting  
22 practices with respect to its purchase and sale of certain mortgages and mortgage instruments  
23 based on mortgages it issued or purchased. In stark contrast, the facts of the instant matter are  
24 driven by Doral Bank's commitment to recoup shareholder losses on the Bank's investments in  
25 mortgage pass-through Certificates issued by Washington Mutual pursuant to materially  
26 misleading Offering Documents.  
27

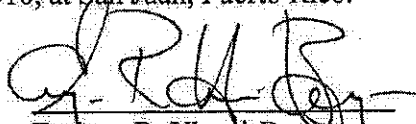
1           9.     The case captioned *In re Doral Financial Corp. Sec. Litig.*, Civ. No. 1:05-md-  
2 1706 (RO) (S.D.N.Y.), settled before trial without any admission of wrongdoing by any party to  
3 the litigation.

4           10.    A former executive of Doral Corp., Mario S. Levis, was indicted on federal  
5 securities and wire fraud charges in connection with his role in the aforementioned securities  
6 class action lawsuit filed in 2005 after Mr. Levis resigned his positions as Senior Executive Vice  
7 President and Treasurer of Doral Corp. in August 2005.

8           11.    Doral Corp. hired Mr. Marangal I. Domingo in 2006 to serve as Executive Vice  
9 President-Chief Investment Officer and Treasurer of the company, and he later became Chief  
10 Financial Officer. In March of 2009, Mr. Domingo left the company to pursue other  
11 opportunities. During his employment at Doral Corp., Mr. Domingo was responsible for  
12 performing the typical functions of a financial officer in a publicly traded company.

13           12.    I declare under penalty of perjury under the laws of the United States of America  
14 that the foregoing is true and correct.  
15

16           Executed this 8th day of March, 2010, at San Juan, Puerto Rico.

17  
18   
19 Enrique R. Ubarri-Baragano

**CERTIFICATE OF SERVICE**

I hereby certify that on March 5, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all interested parties.

/s/ Nancy A. Pacharzina

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